

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATAN DVIR

Plaintiff,

- against -

DANCING ASTRONAUT, INC.

Defendant.

Case No. 1:18-cv-09416 (VEC)

DECLARATION OF RICHARD LIEBOWITZ

I, RICHARD LIEBOWITZ, swear under the penalty of perjury that the following is true and correct.

1. I am lead counsel in this action and duly admitted to practice law in this District.
2. I submit this declaration in opposition to the Court's Order to Show Cause concerning sanctions.
3. On April 19, 2019, I recall the Court ordered me to file a revised Proposed Default Judgment. However, I do not recall whether the Court fixed a deadline by which to file such revised document and there is no deadline indicated on ECF. Because no deadline was set by the Court, then no sanctions should issue as there was no technical violation of the Court's Order.
4. If there was a deadline fixed to file the revised document, then my failure to file such document was inadvertent and a result of administrative oversight.

5. Since it was in my own personal interest to obtain the default judgment as soon as possible, there is no conceivable argument that I sought to delay the adjudication of my own client's default proceeding.
6. At all times, I have acted in good faith and with the intent to comply with Court orders.

Dated: Valley Stream, NY

May 10, 2019

s/richardliebowitz/

Richard Liebowitz